

Municipal Clerk
Atlanta, Georgia

02-2 -1553

AN ORDINANCE

UEZ-02-08

BY THE COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE TO CREATE "ANDERSON-MCGRIFF LOFTS MIXED-USE RESIDENTIAL/COMMERCIAL ENTERPRISE ZONE" AND FOR OTHER PURPOSES.

WHEREAS an amendment to the Constitution of the State of Georgia was adopted by referendum in November 1982 giving the Council of the City of Atlanta power to create urban enterprise zones in the City of Atlanta; and

WHEREAS enabling legislation known as the Atlanta/Fulton County Urban Enterprise Zone Act was enacted by the Georgia General Assembly and signed by the Governor in March 1983 and subsequently amended; and

WHEREAS the Atlanta/Fulton County Urban Enterprise Zone Act gives the Council of the City of Atlanta the authority to designate areas within the City as urban enterprise zones for mixed-use residential/commercial purposes if certain conditions are met; and

WHEREAS the designation of a mixed-use residential/commercial enterprise zone exempts the taxable value of property within the zone only from ad valorem taxes for City purposes, but the Board of Commissioners of Fulton County, by appropriate resolution, may exempt from ad valorem taxation for County purposes the taxable value of the same property that is exempted by the City; and

WHEREAS certain types of property may be exempted, conditions must be met by owners of private property to qualify for an exemption, period, and rate of exemptions, and elections may be made by the Atlanta City Council among various types of exemptions which are specified by State law; and

WHEREAS State law provides that an exemption from ad valorem taxation for City purposes also includes, but is not limited to, school and educational purposes; and

WHEREAS the City of Atlanta Development Impact Fee Ordinance provides that, under certain conditions, the City may exempt development in urban enterprise zones from the requirement to pay development impact fees; and

WHEREAS it is the expressed intent of the Atlanta City Council to use urban enterprise zone legislation as an incentive to generate private investment in areas of the City which otherwise might not attract such investments for commercial construction and job creation purposes; and

WHEREAS the conditions and qualifications of the Atlanta/Fulton County Urban Enterprise Zone Act, as amended, have been met relative to the creation of the "Anderson-McGriff Lofts Mixed-Use Residential/Commercial Enterprise Zone";

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA,
HEREBY ORDAINS AS FOLLOWS:**

Section 1: It is found by the Council of the City of Atlanta that the area in and around the property that would be designated as the "Anderson-McGriff Lofts Mixed-Use Residential/Commercial Enterprise Zone" is economically and socially depressed. It is further found that areas such as this contribute to or cause unemployment, create an inordinate demand for public services and, in general, have a deleterious effect on the public health, safety, welfare, and morals. It is further found that these areas, as is the case with the property that would be designated as the "Anderson-McGriff Lofts Mixed-Use Residential/Commercial Enterprise Zone", are characterized by having no investment or under-investment by private enterprise in ventures which produce jobs, trade, provision of services, and economic activities which individually and together contribute to a healthy society. This lack of private investment and activity contributes to social and economic depression in such areas. Therefore, it is in the public interest that incentives be provided to private enterprise to invest in such areas, and that such private enterprise place priority upon the employment of those residents in those economically- and socially-depressed areas designated herein as urban enterprise zones.

Section 2: The "Anderson-McGriff Lofts Mixed-Use Residential/Commercial Enterprise Zone" is hereby created for the subject property. The effective date of all exemptions established therein shall be January 1, 2003. The Anderson-McGriff Lofts Mixed-use Residential/Commercial Enterprise Zone shall be abolished on December 31, 2012. The Anderson-McGriff Lofts Mixed-Use Residential/Commercial Enterprise Zone shall otherwise not be abolished except as provided in State law. A legal description of the Anderson-McGriff Lofts Mixed-Use Residential/Commercial Enterprise Zone is attached hereto as Exhibit "A", and made a part hereof, and shall be on file in the Bureau of Planning and the Office of the Municipal Clerk.

Section 3: The Municipal Clerk is hereby directed to transmit a copy of this Ordinance as well as the legal description of the Anderson-McGriff Lofts Mixed-Use Residential/Commercial Enterprise Zone to the Tax Commissioner of Fulton County, to the Commissioner of the Department of Community Affairs of the State of Georgia, and to the Superintendent of the Atlanta Board of Education immediately upon the approval by the Mayor of the City of Atlanta.

Section 4: That all ordinances and parts of ordinances that are in conflict herewith are hereby repealed.

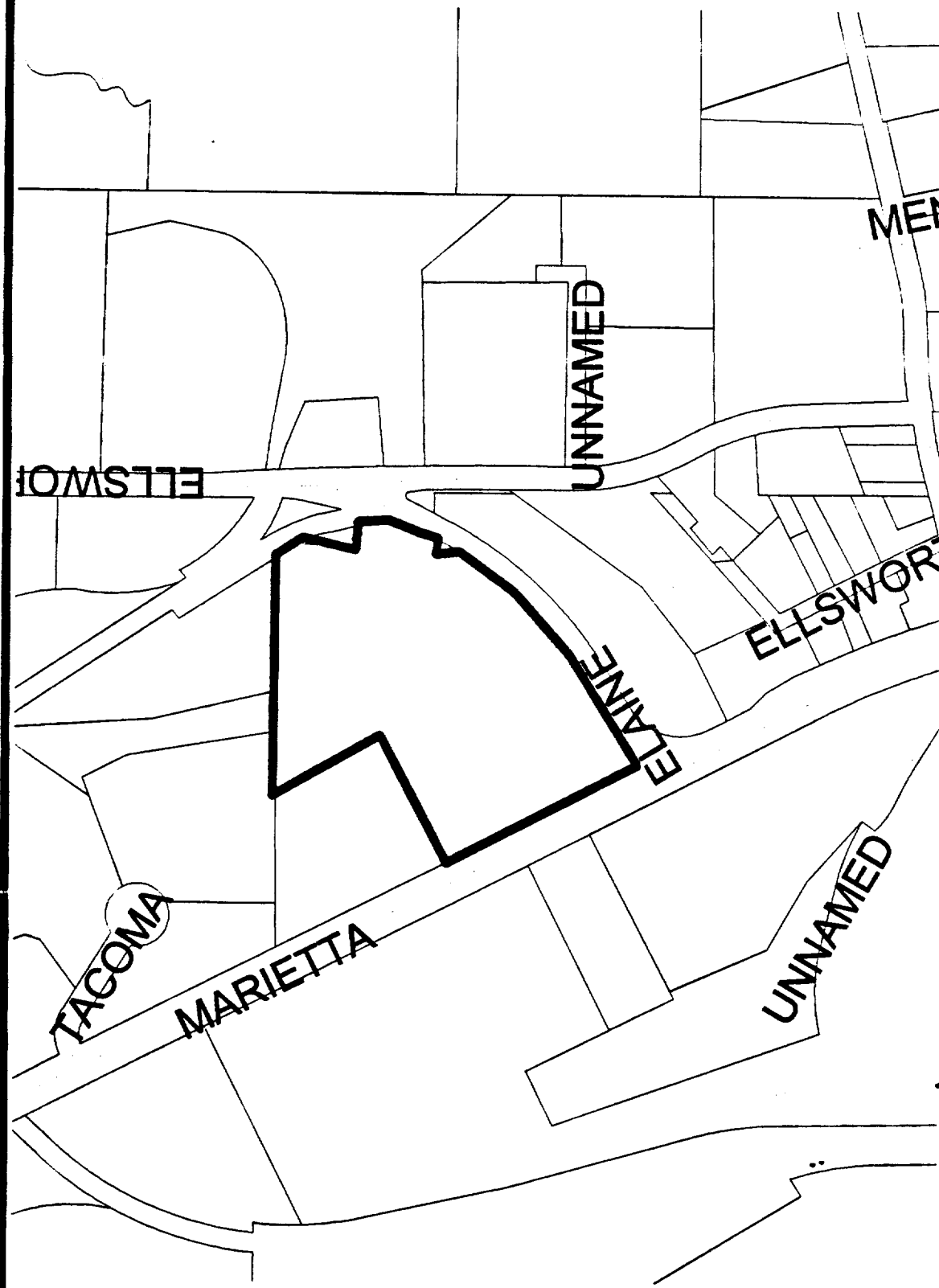
CEZ-02-08

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 191 OF THE 17th LAND DISTRICT OF FULION COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING at a point at the intersection of the northeastern right of way line of Marietta Boulevard (variable right of way width) and the northwestern right of way line of Elaine Avenue (60 feet right of way width); thence North 28 degrees 37 minutes 35 seconds West along the northeastern right of way line of Marietta Boulevard a distance of 534.31 feet to a point; thence North 61 degrees 24 minutes 30 seconds East a distance of 355.00 feet to a point; thence North 28 degrees 36 minutes 57 seconds West a distance of 338.49 feet to a point; thence North 89 degrees 07 minutes 30 seconds East a distance of 603.44 feet to a point on the southwestern right of way line of the L&N Railroad Company; thence following the arc of a clockwise curve along the southwestern right of way line of the L&N Railroad an arc distance of 56.71 feet (said arc having a radius of 838.98 feet and being subtended by a chord bearing South 20 degrees 10 minutes 04 seconds East a chord distance of 56.69 feet) thence continuing along the southwestern right of way line of the L&N Railroad South 18 degrees 13 minutes 54 seconds East a distance of 43.04 feet to a point; thence South 08 degrees 07 minutes 31 seconds West a distance of 122.10 feet to a point; thence North 89 degrees 27 minutes 37 seconds East a distance of 56.40 feet to a point on the southwestern right of way line of the L&N Railroad; thence following the arc of a counter-clockwise curve along the southwestern right of way line of the L&N Railroad an arc distance of 62.16 feet to a point on the northwestern right of way line of Elaine Avenue (said arc having a radius of 466.17 feet and being subtended by a chord bearing South 24 degrees 39 minutes 29 seconds East a chord distance of 62.11 feet); thence following the arc of a clockwise curve along the northwestern right of way line of Elaine Avenue an arc distance of 153.73 feet to a point (said arc having a radius of 680.53 feet and being subtended by a chord bearing South 18 degrees 58 minutes 36 seconds West a chord distance of 153.40 feet); thence South 88 degrees 33 minutes 19 seconds West a distance of 34.49 feet to a point; thence South 01 degrees 29 minutes 42 seconds East a distance of 64.25 feet to a point on the northwestern right of way line of Elaine Avenue; thence following the arc of a clockwise curve along the northwestern right of way line of Elaine Avenue an arc distance of 464.10 feet to a point (said arc having a radius of 918.97 feet and being subtended by a chord bearing South 43 degrees 25 minutes 09 seconds West a chord distance of 459.18 feet) thence continuing along the northwestern right of way line of Elaine Avenue South 56 degrees 24 minutes 35 seconds West a distance of 236.17 feet to the POINT OF BEGINNING.

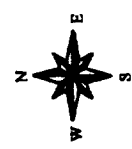
Said parcel containing 483,205 square feet or 11.093 acres.



Npu-d-streets.shp
Npu-dl-parcels.shp

ANDERSON - MCGRIFF LOFTS

UEZ-02-08



**EVALUATION OF THE PROPOSED "ANDERSON-MCGRIFF LOFTS
MIXED-USE RESIDENTIAL/COMMERCIAL ENTERPRISE ZONE"**

CRITERION	REQUIRED	PROPOSED	COMPLIANCE
1. <u>Eligibility Criteria:</u> a. Evidence of Pervasive Poverty b. Unemployment c. General Distress d. Underdevelopment	<u>Must meet 3 of the 4 Criteria:</u> a. Poverty rate of $\geq 20\%$ for the Census Block Group. b. Unemployment: <ul style="list-style-type: none"> Census Tract having at least 10% higher than the State Average; OR Significant Job Loss, to be documented by the applicant. c. General Distress: <ul style="list-style-type: none"> High Crime within the police beat/zone; OR Vacant and/or Dilapidated Structures, or Deteriorated Infrastructure, based on documented proof of existing abandoned and/or dilapidated structures within one block of the project area, or deteriorated infrastructure. d. Underdevelopment: The NPU has $\leq 20\%$ of the amount of Development Activity compared to the City as a whole.	a. Poverty rate of 30% for Block Group 3 of Census Tract 89. Meets this criterion. b. Unemployment rate of 2% for Census Tract 89. Does not meet this criterion. c. Crime rate of only -1% within Police Beat/Zone 208. However, the applicant has documented the presence of abandoned and dilapidated structures on and within one block of the subject property. Meets this criterion. d. Development activity of 5% for Residential and 3% for Commercial within NPU "D", compared to the City as a whole. Meets this criterion.	Meets 3 of the 4 required criteria: Meets Criteria #a, #c, & #d. √
2. Acreage	None.	11.093 acres.	√
3. CDP Consistency	CDP Land Use Classification: Mixed-Use. Allowed F.A.R.: Based on the zoning district.	Mixed-Use. Allowed F.A.R.: 1.29. Proposed: 0.88. Consistent with the CDP.	√
4. Zoning Compliance	C-3-C, per Z-01-05 with Conditions and Performance Standards.	Administrative Site Plan Amendment to Z-01-05 on August 5, 2002.	√
5. Project Specificity	Project-Specific Zone or $\geq 50\%$ of Areawide Zone	Project-Specific	√
6. Non-Displacement	Minimum Displacement	None.	√
7. Job Creation	First Source Jobs Policy	Proposes to comply.	√
8. Financial Feasibility	<u>Chief Financial Officer's Statement of Fiscal Impact:</u>	To be determined.	To be determined.

	<p>a. Negative cash flow; OR b. Debt coverage ratio < 1.20; OR c. A variable-ratio debt coverage ratio that is equivalent to said fixed-rate ratio, based upon reasonable assumptions as certified.</p>		
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CITY OF ATLANTA

DEPARTMENT OF PLANNING, DEVELOPMENT AND NEIGHBORHOOD CONSERVATION
68 MITCHELL STREET, S.W. SUITE 3350 • ATLANTA, GEORGIA 30335-0308
404-330-6145 • FAX: 404-658-7491

SHIRLEY FRANKLIN
MAYOR

Commissioner

TIM POLK
Acting Commissioner

Director

Bureau of Planning

July 16, 2002

David B. Burt
Winter Properties
1330 Spring Street, N.W.
Atlanta, Ga. 30309-2810

Dear Mr. Burt:

We have received your application for designation of the Anderson-McGriff Lofts mixed-use residential/commercial enterprise zone. Our staff is currently reviewing the application with regard to the City's criteria for urban enterprise zone designation.

We have scheduled your presentation of the application to Neighborhood Planning Unit (NPU) D on Tuesday, July 23, 2002 at 7:30 p.m. at the Agape Community Ctr., located at 2351 Bolton Rd, NW. The chair of NPU - D is C.F. Bakker, who can be reached at (404) 792-0176. Please be present at the NPU - D meeting to briefly present your proposal and to answer any questions regarding your application.

Additionally, the Community Development and Human Resources Committee of the Atlanta City Council will hold a public hearing on your application on Monday, September 23, 2002 at 6:00 p.m. in the Council Chambers at City Hall. Please be present at the hearing to briefly present your proposal and to answer any questions regarding this application.

Should you require any further information, please contact Linda Logan at (404) 330-6637 or Sara Wade Hicks at (404) 330-6728.

Sincerely,


Beverly Dockeray-Ojo
Acting Director

cc: Tim Polk
Sara Wade Hicks
Linda Logan

TRANSMITTAL FORM FOR LEGISLATION

To Mayor's Office: Greg Pridgeon/Wanda McCoy
(For review & distribution to Executive Management)

Commissioner Signature Philip Smith Jr Director Signature BN Only - Op
Department of Planning Bureau of Planning

From: Originating Dept. Department of Planning and Community Development Contact (name): Sara Wade Hicks
Assistant Director—Ext. 6728

Committee of Purview: Community Development /Human Resources

Committee Meeting Dates: 9/10/02 CD; 9/23/02 public hearing; 10/01/02 CD. Committee Deadline: 10/26/02
City Council Meeting Date: 10/07/02

CAPTION:

AN ORDINANCE BY THE COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE TO CREATE THE "ANDERSON-MCGRIFF LOFTS MIXED-USED RESIDENTIAL/COMMERCIAL ENTERPRISE ZONE", TO BE LOCATED AT 1335 MARIETTA BOULEVARD, N.W. AND 1410 ELLSWORTH INDUSTRIAL DRIVE, N.W., AND FOR OTHER PURPOSES.

BACKGROUND/PURPOSE/DISCUSSION:

The applicant/developer proposes to construct a mixed-use development project that would include 290 new residential units, including 200 apartments and 100 fee simple townhomes, 10 live/work units and 5,000 square feet of retail space, for a total of up to 425,000 square feet. In accordance with the urban enterprise zone requirements, 20 percent of the new housing units would be designated as "affordable" (for moderate-income residents). The subject property is located in NPU "D", Council District 9, comprising 11.093 acres of land within Land Lot 191 of District 17. If the proposed development project is constructed, it would further the City's policy of encouraging mixed-use development within the Northwest Atlanta Framework Plan area. The estimated total project development cost is \$39,367,505. Financing would be provided by South Trust Bank.

FINANCIAL IMPACT (if any):

The Department of Finance is conducting a fiscal impact analysis for the proposed zone.
Mayor's Staff Only

Received by Mayor's Office: 8/29/02 Reviewed: JS
(Date) (Initials) (Date)

Submitted to Council: _____
(Date)

Action by Committee: ☐ Approved ☐ Adversed ☐ Held ☐ Amended
☐ Substitute ☐ Referred ☐ Other